

PLANNING COMMISSION

October 21, 2015

Action Report

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Abelite, Ballard, Bit-Badal, O'Halloran, and Yesney

ABSENT: Commissioners Yob and Pham

SUMMARY OF HEARING PROCEDURES

1. PUBLIC COMMENT

None

2. DEFERRALS AND REMOVALS FROM CALENDAR

- a. **GP15-006.** General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Mixed Use Neighborhood on an approximately 3.6 gross acre site, located on the east side of St. Elizabeth Drive south of McKinley Street (950 St. Elizabeth Drive) (St. Elizabeth Day Home, Owner). Council District 6. CEQA: Negative Declaration to be adopted. *PROJECT MANAGER, ELIZABETH SCHULLER*

DROPPED PER APPLICANT'S REQUEST (5-0-2, YOB & PHAM ABSENT)

- b. **GPT15-001.** A Director initiated General Plan Text Amendment to increase Floor Area Ratio (FAR) from up to 15.0 FAR to up to 20.0 FAR for the Downtown Land Use Designation. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. *PROJECT MANAGER, JARED HART*

DEFERRED TO 11/4/15 PLANNING COMMISSION MEETING PER STAFF REQUEST (5-0-2, YOB & PHAM ABSENT)

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<http://www.sanjoseca.gov/planning/hearings/>

- c. **GPT15-003.** A Director initiated General Plan Text Amendment to allow the San Jose City Council to consider City initiated General Plan land use and/or text amendments up to four times a year. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. **PROJECT MANAGER, JARED HART**

DEFERRED TO 11/4/15 PLANNING COMMISSION MEETING PER STAFF REQUEST (5-0-2, YOB & PHAM ABSENT)

3. CONSENT CALENDAR

- a. **C15-011.** Conventional Rezoning from the IP Industrial Park Zoning District to the LI Light Industrial Zoning District on a 4.48 gross acre site, located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue at 5880 Hellyer Avenue (Ag Key, LLC, Owner). Council District: 2. CEQA: Edenvale East Negative Declaration to be adopted.

PROJECT MANAGER, LEA SIMVOULAKIS

THIS ITEM 3.A. WILL BE HEARD TOGETHER WITH ITEM 6.A. ON THE GENERAL PLAN CONSENT CALENDAR

- 1. RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE EDENVALE EAST NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (5-0-2, YOB & PHAM ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONVENTIONAL REZONING (5-0-2, YOB & PHAM ABSENT)**

- b. **CP15-007 & ABC15-002.** Conditional Use Permit and Determination of Public Convenience or Necessity, including a finding of overriding public benefit for the Determination of Public Convenience or Necessity, to allow the off-sale of alcohol of a full range of alcoholic beverages at a retail establishment, of approximately 2,100 square feet, on a 0.15 gross acre site, located at 1093 Minnesota Avenue (Jasvir Kaur, Owner). Council District: 6. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. **PROJECT MANAGER, RINA SHAH**

- 1. DETERMINED THE EXEMPTION TO BE IN ACCORDANCE WITH CEQA (5-0-2, YOB & PHAM ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (5-0-2, YOB & PHAM ABSENT)**

- c. **CP15-042 & ABC15-009.** Conditional Use Permit and Determination of Public Convenience or Necessity, including a finding of overriding public benefit for the Determination of Public Convenience or Necessity, to allow the off-sale of a full-range of alcohol at a 39,036-square foot grocery store (Food Maxx), currently doing a tenant improvement, on an approximately 3.87 gross acre site, in the CP Commercial Pedestrian Zoning District, located at 3002 Story Road (Save Mart Supermarkets, Owner). Council District: 5. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. **PROJECT MANAGER, RINA SHAH**

- 1. DETERMINED THE EXEMPTION TO BE IN ACCORDANCE WITH CEQA (5-0-2, YOB & PHAM ABSENT)**

**2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A
CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC
CONVENIENCE OR NECESSITY (5-0-2, YOB & PHAM ABSENT)**

4. PUBLIC HEARING

- a. **CP15-057 (Administrative Hearing).** Conditional Use Permit to allow late night use until 2:00 a.m. for a public drinking establishment with a maximum occupancy of 250 people, a restaurant, and a banquet hall in an existing 8,684 square foot tenant space in the DC Downtown Primary Commercial Zoning District on an approximately 0.15 gross acre site, located on the east side of South 1st Street, approximately 400 feet southerly of East Santa Clara Street (58 South 1st Street). (Martin Family Properties, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303(c) for Conversion of Small Structures. ***PROJECT MANAGER, DAVID FONG***
- 1. DETERMINED THE EXEMPTION TO BE IN ACCORDANCE WITH CEQA
(5-0-2, YOB & PHAM ABSENT)**
- 2. MOTION TO DENY THE CONDITIONAL USE PERMIT FAILED (3-2-2, BALLARD
& YESNEY OPPOSED; YOB & PHAM ABSENT)**
- MOTION TO RECONSIDER THE CONDITIONAL USE PERMIT APPROVED
(5-0-2, YOB & PHAM ABSENT)**
- DENIED A CONDITIONAL USE PERMIT (4-1-2, BALLARD OPPOSED; YOB &
PHAM ABSENT) – YESNEY CLARIFIED THE CHANGE IN VOTE WAS TO
ALLOW THE PROJECT TO MOVE FORWARD TO CITY COUNCIL, IF
APPEALED**
- b. **PDC15-001 & PD15-004.** Planned Development (PD) Rezoning (PDC15-001) from A(PD) Planned Development Zoning District to CIC(PD) Planned Development Zoning District to allow up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District and ministorage uses, and Master Planned Development Permit (PD15-004) to allow construction of up to 403 residential units and up to 5,000 square foot of retail space, the uses of the CIC Combined Industrial Commercial Zoning District and ministorage uses for the existing Gordon Biersch site, the demolition of three existing industrial buildings totaling approximately 242,000 square feet, and the removal of seven ordinance sized trees, on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, L.P., Owner). Council District 3. CEQA: Mitigated Negative Declaration, to be adopted. ***PROJECT MANAGER, JENNIFER PIOZET***
- THIS ITEM 4.B. WILL BE HEARD TOGETHER WITH ITEM 7.A. ON THE GENERAL
PLAN PUBLIC HEARING AGENDA**
- DEFERRED TO THE 11/4/15 PLANNING COMMISSION MEETING PER STAFF
REQUEST (5-0-2, YOB & PHAM ABSENT) TO ALLOW STAFF ADDITIONAL
TIME TO REVIEW AND PREPARE RESPONSE TO COMMENTS REGARDING
CORRESPONDENCE RECEIVED ON THE ENVIRONMENTAL
REVIEW/CLEARANCE.**

5. OPEN 2015 GENERAL PLAN AMENDMENT HEARING

CHAIRMAN PRO-TEMPORE BALLARD TO TAKE PLACE FOR ABELITE RECUSAL (5-0-2, YOB & PHAM ABSENT)

6. GENERAL PLAN CONSENT CALENDAR

- a. [GP15-002.](#) General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Industrial Park to Light Industrial on a 4.48 gross acre site, located on the north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue at 5880 Hellyer Avenue (Ag Key, LLC, Owner). Council District: 2. CEQA: Edenvale East Negative Declaration to be adopted. *PROJECT MANAGER, LEA SIMVOULAKIS*

THIS ITEM TO BE HEARD TOGETHER WITH ITEM 3.A.

- 1. RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE EDENVALE EAST NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (5-0-2, YOB & PHAM ABSENT)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT (4-0-2-1, YOB & PHAM ABSENT; ABELITE ABSTAINED)**

- b. [GP15-003.](#) General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on a 0.91 gross acre site, located at the southeast corner of Redmond Avenue and Mancuso Street (12360 Redmond Avenue) (Redmond Road Fam Lp Faz Ulla, Owner). Council District 10. CEQA: Negative Declaration to be adopted. *PROJECT MANAGER, JOHN TU*

- 1. RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (4-0-2-1, YOB & PHAM ABSENT; ABELITE ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT (4-0-2-1, YOB & PHAM ABSENT; ABELITE ABSTAINED)**

- c. [GP15-005.](#) General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Mixed Use Neighborhood and to remove the site from the South Bascom (South) Urban Village Boundary, with the subject 0.19 acre site located on the northeast corner of Joseph Avenue and Shamrock Drive (2898 Joseph Avenue) (Schwartz, Jeffrey A. and Barry, Cynthia Trustee, Owners). Council District 9. CEQA: 2898 Joseph Avenue General Plan Amendment Negative Declaration to be adopted. *PROJECT MANAGER, MATTHEW VANOOSTEN*

- 1. RECOMMENDED TO THE CITY COUNCIL THE ADOPTION OF THE 2898 JOSEPH AVENUE GENERAL PLAN AMENDMENT NEGATIVE DECLARATION IN ACCORDANCE WITH CEQA (4-0-2-1, YOB & PHAM ABSENT; ABELITE ABSTAINED)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN AMENDMENT (4-0-2-1, YOB & PHAM ABSENT; ABELITE ABSTAINED)**

7. GENERAL PLAN PUBLIC HEARING

- a. [GP15-001](#). General Plan Amendment request to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and Combined Industrial/Commercial and a General Plan Text Amendment to the Jackson-Taylor Residential Strategy on an 11.43 gross acre site located on the northwest corner of North 10th Street and East Taylor Street (Libitzky Holdings, L.P., Owner). Council District 3. CEQA: Mitigated Negative Declaration, to be adopted. *PROJECT MANAGER, JENNIFER PIOZET*

THIS ITEM TO BE HEARD TOGETHER WITH ITEM 4.B.

DEFERRED TO THE 11/4/15 PLANNING COMMISSION MEETING PER STAFF REQUEST (5-0-2, YOB & PHAM ABSENT) TO ALLOW STAFF ADDITIONAL TIME TO REVIEW AND PREPARE RESPONSE TO COMMENTS REGARDING CORRESPONDENCE RECEIVED ON THE ENVIRONMENTAL REVIEW/CLEARANCE.

- b. [GPT15-004](#). A Director initiated General Plan Text Amendment to include text referencing California Government Code Section 65302 and Complete Streets Act of 2008. Council District: Citywide. CEQA: Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, for which findings were adopted by City Council Resolution No. 76041, that adequately describes the activity for the purposes of CEQA. *PROJECT MANAGER, JARED HART*
1. **DETERMINED THE DETERMINATION OF CONSISTENCY WITH ENVISION SAN JOSE 2040 EIR IS IN ACCORDANCE WITH CEQA (5-0-2, YOB & PHAM ABSENT)**
 2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A GENERAL PLAN TEXT AMENDMENT (5-0-2, YOB & PHAM ABSENT)**

8. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING TO NOVEMBER 4, 2015

9. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

10. GOOD AND WELFARE

- a. Report from City Council

No Reports

- b. Review and Approve Synopsis from [10-7-15](#)

Synopsis Approved (4-0-2-1, Yob & Pham Absent; Yesney Abstained) with Amendment to Item 4.a.1 to correct the recommendation from “Determined” that the Addendum to Japantown to “Recommended”

- c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

- d. Commission Calendar and Study Sessions

- 1. Review and Approve [2016 Planning Commission Meeting Schedule](#)

2016 Planning Commission Meeting Schedule Approved (5-0-2, Yob & Pham Absent)

ADJOURNMENT